

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff,**

**v.**

**Criminal No. 17-297 (FAB)**

JOSÉ MULERO-VARGAS [1],  
LUIS E. MERCED-GARCÍA [2],

**Defendants.**

**MEMORANDUM AND ORDER**

BESOSA, District Judge.

A district court may refer a pending motion to a magistrate judge for a report and recommendation ("R&R"). See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(a); Loc. Rule 72(b). Any party adversely affected by the R&R may file written objections within fourteen days of being served with the magistrate judge's report. Loc. Rule 72(d). See 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Ramos-Echevarría v. Pichis, Inc., 698 F. Supp. 2d. 262, 264 (D.P.R. 2010) (Domínguez, J.). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its review, the Court is free to "accept, reject, or modify, in whole or in part, the findings or

Criminal No. 17-297 (FAB)

2

recommendations made by the magistrate judge." 28 U.S.C. § 636 (a)(b)(1); Templeman v. Chris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Álamo Rodríguez v. Pfizer Pharmaceuticals, Inc., 286 F. Supp. 2d 144, 146 (D.P.R. 2003) (Domínguez, J.). Furthermore, the Court may accept those parts of the R&R to which the parties do not object. See Hernández-Mejías v. General Elec., 428 F. Supp. 2d 4, 6 (D.P.R. 2005) (Fusté, J.) (citation omitted).

On August 14, 2018, the United States magistrate judge issued a thorough and well-supported R&R (Docket No. 139), recommending that defendants José Mulero-Vargas and Luis Merced-García (collectively "defendants")'s joint motion to suppress (Docket No. 65) be denied. The parties had until August 28, 2018 to object to the R&R. Both defendants objected to the R&R, and the United States responded. (Docket Nos. 141 and 145.) The Court has made an independent examination of the entire record in this case and **ADOPTS** the magistrate judge's findings and recommendations. Accordingly, the defendants' joint motion to suppress is **DENIED**.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, January 23, 2019.

s/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
UNITED STATES DISTRICT JUDGE